



## Questions and Answers: Proposed Extension of the American Burying Beetle Industry Conservation Plan

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**Southwest Region** (Arizona • New Mexico • Oklahoma • Texas) [www.fws.gov/southwest/](http://www.fws.gov/southwest/)

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### **Q. What action is the U.S. Fish and Wildlife Service (Service) taking?**

**A.** The Service is proposing an amendment to the Oil and Gas Industry Conservation Plan (ICP) for the American burying beetle (ABB). The amendment would extend the ABB ICP sign-up period for three years (until May 20, 2019); extend the construction period (construction of all permitted projects must be completed by May 20, 2025); extend operations and maintenance coverage for activities such as maintenance of right-of-ways and repairing pipelines (until May 20, 2039); and remove requirements that all projects must be completely located within the planning area, allowing projects, such as pipelines, that come into or leave the covered plan area to participate in the ABB ICP if they need take coverage for the ABB within the plan area. The proposed amendment does not change the amount of take that was authorized under the original ABB ICP and no additional acres will be impacted by this amendment. “Take” is defined by the ESA as to harass, harm, pursue, hunt, shoot, wound, kill trap, capture, or collect, or to attempt to engage in such conduct. In addition, we are announcing the availability of an environmental assessment for the ICP amendment.

### **Q. Why is the Service taking this action?**

**A.** When the Service approved the ABB ICP in May 2014, the permit authorized 32,234 acres of take within a 45 county area in Oklahoma. As of February 16, 2016, only 413 acres of take have been issued. Since approval of the ABB ICP the Service has fewer than expected requests for permits. The ICP extension would allow for continued conservation efforts for the ABB while supporting industry activity through a streamlined Endangered Species Act (ESA) permitting process.

### **Q. What is the Industry Conservation Plan?**

**A.** The ICP is a General Conservation Plan (GCP) that is intended to meet the requirements for issuance of an incidental take permit under Section 10(a)(1)(B) of the ESA. Participation in the ICP is voluntary. The Service may choose to develop a GCP in an effort to increase the efficiency of ESA compliance when a particular recurring activity may result in an impact to a federally listed species. The ICP offers project proponents a streamlined permitting process that results in the same assurances and protections as a Habitat Conservation Plan (HCP).

The ABB ICP provides industry with a mechanism for incidental take authorization associated with construction, operation, maintenance, repair and decommissioning of oil and gas projects within the 45 county planning area in Oklahoma. The ICP also describes measures to minimize and mitigate for take of the ABB and impacts to its habitat. Additional information on the ABB ICP is available at [www.fws.gov/southwest/es/oklahoma/ABBICP](http://www.fws.gov/southwest/es/oklahoma/ABBICP).

**Q. What areas are covered in the ABB Industry Conservation Plan?**

**A.** The permit area includes 45 counties in Oklahoma including Adair, Atoka, Bryan, Carter, Cherokee, Choctaw, Cleveland, Coal, Craig, Creek, Delaware, Garvin, Haskell, Hughes, Johnston, Kay, Latimer, Le Flore, Lincoln, Love, Marshall, Mayes, McClain, McCurtain, McIntosh, Murray, Muskogee, Noble, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Rogers, Seminole, Sequoyah, Tulsa, Wagoner and Washington.

**Q. What activities are covered in the Industry Conservation Plan?**

**A.** The ICP covers the take of the ABB that is incidental to activities associated with oil and gas exploration and the construction, operation, maintenance, repair, and decommissioning of oil and gas pipelines and well fields. It includes measures necessary to minimize and mitigate impacts to the ABB and its habitat.

**Q. What impact will the proposed amendment have on existing permit holders?**

**A.** Permittees with existing ICP permits will not be automatically enrolled and must apply for an amendment to their permit to obtain coverage under the amended ICP. All applications for coverage under the amended ICP must be received by May 20, 2019. All permittees must submit their Individual Project Plans (IPP) by May 20, 2022, to use the authorization in their permits, and all construction related to approved IPPs must be completed by May 20, 2025. Operation and maintenance activities are authorized until the permit expires May 20, 2039.

**Q. What minimization and mitigation measures are included in the ICP to address any incidental take of the ABB?**

**A.** To mitigate effects of incidental take to ABBs, areas with temporary or permanent change in cover will be restored to ABB habitat within five years of the impact start date. Restoration would include replacing topsoil, relieving soil compaction, re-establishing vegetation, inspecting for invasive plant species, and treating if necessary. A permanent change in cover is the change from forest lands to shrubland, or grassland and shrublands to grasslands, which can still support ABB. Additional mitigation will be provided through off-site conservation and management of ABB habitat in perpetuity. Permittees will mitigate for temporary or permanent cover change and permanent impacts that result in take of the ABB through individual- or permittee-responsible mitigation lands, conservation bank credits, or third party mitigation lands. All proposed mitigation is reviewed and approved by the Service. Additional minimization measures under the ICP include: limiting use of artificial light; providing an education program for construction personnel; reducing motor vehicle, machinery and heavy equipment use; and limiting herbicide use.

**Q. How can the public comment on the proposed extension?**

**A.** The Service will accept comments received on or before, or postmarked by April 7, 2016. Comments can be submitted electronically or as a hard copy.

- Electronically: Submit emails to [fw2\\_hcp\\_permits@fws.gov](mailto:fw2_hcp_permits@fws.gov).
- By hard copy: Submit by U.S. mail or hand-deliver to: U.S. Fish and Wildlife Service, Oklahoma Ecological Services Field Office, 9014 E. 21<sup>st</sup> Street, Tulsa, OK 74129.

The public can obtain copies of the draft EA and draft ICP online at:

[www.fws.gov/southwest/es/oklahoma/ABBICP](http://www.fws.gov/southwest/es/oklahoma/ABBICP).

**Q. How can an Oil and Gas Company obtain coverage under the ICP?**

**A.** Oil and gas project proponents may obtain coverage for activities impacting the ABB by submitting a complete permit application to the Service. Following receipt of a complete permit application, the Service will notice the application for public comment in the *Federal Register*. After receiving a permit, permittees are required to submit a complete Individual Project Package for Service approval prior to the initiation of activities that would impact the ABB. Additional information on obtaining a permit can be found at: <http://www.fws.gov/southwest/es/oklahoma/ABBICP.htm>.